

Message Text

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43

ACTION AF-18

INFO OCT-01 ISO-00 OCL-00 PM-07 SS-20 SP-03 CIAE-00 INR-10

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FM AMCONSUL ASMARA

TO AMEMBASSY ADDIS ABABA PRIORITY

INFO SECSTATE WASHDC PRIORITY 2764

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E. O. 11652 : N/A

TAGS : PFOR, MARR, ET, US

SUBJ : KAGNEW PHASE-DOWN - LEGAL PROBLEMS

1. IN JUNE 12, 1974 LETTER TO VICE MIN FOR AFFAIRS SOLOMON
TECLE, CONGEN REQUESTED SOLOMON TO NOTIFY OTHER BRANCHES OF
IEG THAT NAVCOMM UNIT WILL CONTINUE TO OPERATE UNDER
1953 AGREEMENT AFTER JUNE 30, 1974. ALSO REQUESTED SOLOMON
TO INFORM COURTS ON LIMITS OF THEIR JURISDICTION UNDER ARTICLE
17, PARAGRAPH 3, OF 1953 AGREEMENT.

2. IN CONVERSATION WITH SOLOMON TODAY, HE ADVISED ME THAT
HE HAD REQUESTED THE LEGAL OFFICE OF THE MINISTRY OF FOREIGN
AFFAIRS TO RULE ON THE STATUS OF NAVCOMM UNIT UNDER
THE 1953 AGREEMENT. UNTIL A RULING IS GIVEN HE WILL NOT ADVISE
THE EXCISE TAX DEPARTMENT TO ALLOW THE USG TO CONTINUE
PURCHASING DUTY FREE FUEL FOR KAGNEW STATION AFTER JUNE 30, 1974.

3. TODAY THE HIGH COURT SERVED COMMANDER NOGGLE WITH A
SUMMONS TO ANSWER CHARGES REGARDING THE CIVIL SUIT RESULTING
FROM AN ACCIDENT INVOLVING A MEMBER OF KAGNEW STATION WHICH
OCCURRED TWO YEARS AGO. A CLAIM WAS FILED BEFORE THE
FOREIGN CLAIMS COMMISSION ONLY THREE WEEKS AGO. IT WAS
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DENIED ON THE BASIS THAT THE CLAIMANT'S VEHICLE WAS THE PRIMARY

CAUSE OF THE ACCIDENT. PERRY AND WELCH WILL DISCUSS THIS CASE
AND THE WHOLE QUESTION OF JURISDICTION WITH THE PRESIDENT OF THE
SUPREME COURT ON 19 JUNE.

4. EMBASSY IS REQUESTED TO PUSH FOR A PROMPT AND FAVORABLE
DECISION ON THE STATUS OF NAVCOMM UNIT UNDER THE 1953
AGREEMENT AND ASSIST CONGEN IN REMINDING IEG THAT 1953
AND ALL OF ITS ARTICLES ARE STILL IN EFFECT. ONE PROPOSAL IS TO
HAVE EMBASSY AND MINFOREIGN AFFAIRS TO MAKE JOINT PRESS
RELEASE ANNOUNCING STATUS OF NAVCOMM UNIT AND THE
CIVILIAN CONTRACTORS UNDER 1953 AGREEMENT.
PERRY

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